

## BOARD OF ADJUSTMENT MINUTES

**JANUARY 27, 2016**

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201-A West Gray, at 4:30 p.m., January 27, 2016. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [www.normanok.gov/content/board-agendas](http://www.normanok.gov/content/board-agendas) at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

### **CALL TO ORDER**

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

\* \* \*

Item No. 2, being:

### **ROLL CALL**

MEMBERS PRESENT

Hank Ryan  
Curtis McCarty  
Andrew Seamans

MEMBERS ABSENT

Kristen Dikeman

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community  
Development  
Wayne Stenis, Planner II  
Leah Messner, Asst. City Attorney  
Roné Tromble, Recording Secretary

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Item No. 8, being:

**BOA-1516-12 – SEAN & RENEE BAUMAN REQUEST A VARIANCE OF 5' TO THE REQUIRED 20' REAR YARD SETBACK FOR AN EXISTING TRELLIS-COVERED PATIO TO RECEIVE A SECOND FLOOR ADDITION AT THE SAME SETBACK, AND A VARIANCE OF 5' TO THE REQUIRED 20' REAR YARD SETBACK FOR A TWO-STORY ADDITION TO THE NORTH SIDE OF THE MAIN BUILDING IN ALIGNMENT WITH THE EXISTING TRELLIS-COVERED PATIO FOR AN EXISTING HOUSE LOCATED AT 2000 WYCKHAM PLACE.**

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Mr. Seamans announced that the applicant has requested postponement of this item to the February 24, 2016 meeting.

*Hank Ryan moved to postpone BOA-1516-12 to the February 24, 2016 meeting. Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS  
NAYS  
ABSENT

Hank Ryan, Curtis McCarty, Andrew Seamans  
None  
Kristen Dikeman

Ms. Tromble announced that the motion to postpone BOA-1516-12 to the February 24, 2016 meeting carried by a vote of 3-0.

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Item No. 3, being:

**ELECTION OF OFFICERS FOR 2016**

*Hank Ryan moved to continue with the current slate of officers: Andrew Seamans as Chairman, Curtis McCarty as Vice-Chairman, and Hank Ryan as Secretary. Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Kristen Dikeman

Ms. Tromble announced that the motion to adopt the above slate of officers passed by a vote of 3-0.

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Item No. 4, being:

**APPROVAL OF MINUTES OF THE DECEMBER 9, 2015 REGULAR MEETING**

Mr. Ryan requested a correction to the minutes -- Page 3, fourth paragraph, second line, to read: "Mr. Ryan stated" rather than "argued".

*Hank Ryan moved to approve the minutes of the December 9, 2015 Regular Meeting as corrected. Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Kristen Dikeman

Ms. Tromble announced that the motion to approve the December 9, 2015 Minutes as corrected passed by a vote of 3-0.

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Item No. 5, being:

**BOA-1519-9 – DIAMOND HOMES, INC. REQUESTS A VARIANCE OF APPROXIMATELY 1.5' TO THE 5' SIDE YARD (EAST) SETBACK FOR THE NORTHEAST CORNER OF AN EXISTING STRUCTURE LOCATED AT 624 SUMMIT CREST LANE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments
4. Certificate of Survey – Side Lot Variance
5. Plat
6. Photos

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. The applicant submitted a site plan showing a 3.65' setback for the foundation. Staff requested that the surveyor also show the site plan for the house on the adjacent lot that had been approved for a building permit. That site plan, with the brick façade applied, shows a 3.04' setback for this property. Staff also wanted to evaluate if the intent of the code, of having a 10' separation between houses, was met; it was not.

Ms. Connors indicated that this item will need to be postponed to allow it to be readvertised with the correct variance amount, which is larger than the amount originally advertised.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Hank Ryan moved to postpone BOA-1516-9 to allow for advertisement of the correct variance request. Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS  
NAYS  
ABSENT

Hank Ryan, Curtis McCarty, Andrew Seamans  
None  
Kristen Dikeman

Ms. Tromble announced that the motion to postpone BOA-1516-9 passed by a vote of 3-0.

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Item No. 6, being:

**BOA-1516-10 – JOHN & SANDRA RYDEN REQUEST A VARIANCE OF 11' TO THE REQUIRED 1' REAR SETBACK FROM A 10' PLATTED UTILITY EASEMENT, AND A VARIANCE OF APPROXIMATELY 0.5' TO THE REQUIRED 3' SIDE (EAST) SETBACK FOR AN EXISTING DETACHED GARAGE AND A VARIANCE OF 3' TO THE 40' PLATTED FRONT BUILDING LINE FOR AN EXISTING COVERED PORCH FOR PROPERTY LOCATED AT 620 TULSA STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Boundary & Topographical Survey
4. Plat
5. Aerial Photo
6. Memo on Consent to Encroach
7. Photo

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There were no filed protests or letters of support on this application.

**PRESENTATION BY THE APPLICANT:**

John Ryden, the applicant – We're just trying to clear up the title that is potentially clouded. We'd kind of like to know where the gas line is. Is there a gas line easement in the back as well? We know that the gas meter has been moved from the detached garage to the main house several years ago by ONG.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Mr. Ryan commented that the granting of the variances should only be for the existing structures; if the garage is removed, it could not be rebuilt on the strength of this variance.

*Hank Ryan moved to grant the variances as requested for the existing structures. Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS  
NAYS  
ABSENT

Hank Ryan, Curtis McCarty, Andrew Seamans  
None  
Kristen Dikeman

Ms. Tromble announced that the motion to grant the Variances passed by a vote of 3-0.

Chairman Seamans noted there is a ten-day appeal period before the Board's action is final.

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Item No. 7, being:

**BOA-15-11 – SILVER CRICKET INVESTMENTS, L.L.C. REQUESTS A VARIANCE OF 10' TO THE REQUIRED 10' LANDSCAPE STRIP ADJACENT TO GRAY STREET FOR A NEW CARPORT AND A VARIANCE TO THE REQUIRED 10' SETBACK FROM SANTA FE AVENUE TO ATTACH A STRUCTURAL/ARCHITECTURAL ELEMENT TO THE EXISTING BUILDING LOCATED AT 132 N. SANTA FE AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Explanation, Site Plan, and Rendering
4. Aerial Photos
5. Rendering and Photo
6. Support Map and Emails

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There were no filed protests on this application, but staff received several emails supporting the proposal, amounting to 27% of the notification area.

**PRESENTATION BY THE APPLICANT:**

Brad Worster, the applicant – I have a lot of information here and it's not going to be very well-organized. I actually didn't realize that I was not going to have staff support for this project until Friday at 4:50 p.m. So I've been scrambling a bit. I hope you will bear with me as I sort through some of this. One thing I want to make a comment on, because it's going to be a conflict from what was just stated: I believe there have been several more letters supporting the project since last Friday. I don't know how they count the spaces, but I'll show you a map of the people who told me they'd sent a letter. I didn't get any new ones added back but it will include all my direct neighbors to the east. Actually, one of the people that provided support is sitting right back here with me is not showing on that. It comes out closer to 50%, depending if you're counting parcels or applicants – city blocks or not.

This is the project that I plan to do. The existing building is the brick face with the white. I'm going to have a garage there. The next slide will show another view. The garage is existing. The space above the garage is not existing. I bought this building in 2004. In 2005 it was granted a Special Use permit for residential unit upstairs and to build a garage. I live upstairs; I work downstairs. We've got a total of five people in the office downstairs. We have three parking spaces on the lot to the north and then the two parking spaces from the garage. So we have five on-site parking. This lot originally included the portion to the south of it. On the subject tract radius map it was originally all of Lots 30, 31 and 32. It was cut in half to allow the neighbor to the west additional parking. At that time, it had a 2,400 square foot building that, if it was all office, would have required eight parking spaces and three parking spaces on-site. So it has not been in compliance with the parking regulations ever. So that's where I would disagree that the first requirement, that there are special conditions or circumstances, because I can't get enough parking to meet code on my parcel. The next picture will show just another view.

One other thing to note here, you guys, I believe last month, granted a variance for First Fidelity Bank down the street. Their right-of-way area – that green piece between Gray and the structure – is all street parking at that location. I think the average person driving down the street would look to the left and see 23'4", I believe, of grass between the curb and my sidewalk. And the requirement is now to say another 10' of grass goes on my side of the sidewalk. I think the average person would look at that as a whole lot of green space between the street and

my additional parking space.

Staff report also mentioned that I was asking to completely eliminate the landscape setback. I am not. The landscape setback on Santa Fe stays there. I'm actually keeping about 12.5' of grass on Santa Fe – that whole area there shaded in green. You see there are four parking spaces there. I think those come out to 9'1-7/8". So they could be a little smaller; they would get into door dinging versions. But it would only get me another maybe a foot. You can see the existing garage there. I turned this permit in on October 20<sup>th</sup>, so we're at 99 days right now. I would have maybe postponed this for another month, but I'm over the crest.

I do have two pieces to this, and since the parking is the one that seems to be more challenging, I'd like to be able to go through and maybe address this first piece first. That structure – the black piece – ties into the new overhang on the building. It actually adds some structural support to the building. The concrete block on the three sides of the building there is actually leaking a bit. Water gets inside the hollow blocks then starts mildewing and it gets a little unpleasant. The answer to that is to wrap the building in an EFIS – stucco with Styrofoam. To make that transition, that little column was put in and it also keeps the building from wracking a bit. It's 3' wide, 1' deep, has its own foundation, and it is 1' back off of the building and allows that transition, since that EFIS is 3" or 4" thick. It keeps from having a weird sort of transition there. Again, you can see here there's grass – that planter I'm not going to build. I have an existing flower bed that I put in there that wasn't required for me to do. I live here. I go out there and I garden it myself on the weekends. It looks a little trashy right now. I think most of that can stay. The tree, I think, is even going to be able to stay in the way that it is. This is my building. This is the existing garage; I've got two parking spaces there. But the building is right on the street, so this little 3'x1' piece would be right here. That's the detail of the plan; it shows at the top where the structure is compared to the right-of-way. This is the right-of-way. The building is right on the front of the right-of-way. Replacing the canopy that's there. It looks kind of like an old battleship. We're making it a little newer and nicer. The structure itself will be there. The EFIS sticks out a little wider so it makes that transition a little better. This is a top-down view. This is a 6"x4" steel pipe and then steel studs that go up through the middle of that to support this. Staff did support this portion of it and I did want to clarify that it is one foot back from the right-of-way and one foot deep and three feet wide.

Mr. Chairman, if we could vote on that part now and then move on to the parking part, unless you prefer to do it all at once. A lot of Gray Street ended up being zoned C-2, where a lot of Main Street ended up being zoned C-3. C-3 has no parking requirement and no setback requirement. I'm not sure how I ended up C-2, but it's built right on the right-of-way.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Hank Ryan moved to grant the variance for the 3'x1' front building addition at a 0' setback as proposed and presented in the drawings. Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS  
NAYS  
ABSENT

Hank Ryan, Curtis McCarty, Andrew Seamans  
None  
Kristen Dikeman

Ms. Tromble announced that the motion to grant the Variance for the front building addition passed by a vote of 3-0.



**PRESENTATION BY THE APPLICANT:**

Brad Worster – This shows a view if you're standing at the library and looking back at my property. Two-car garage, again. That shows the 5' strip of grass that is there now. You can see we have three and a half parking spaces here. You can actually now see where the cars park – one, two, three and a little bit of space there. It's not wide enough for four cars. I've looked at many different ways to lay out the parking on the side of the building and there's no way to get another parking space in there, other than going toward the sidewalk a little bit.

Mr. McCarty – Did you say you had an agreement for three spots next to you, or something like that, earlier? Or did I misunderstand that? You just said you had room for three.

Mr. Worster – I have three now. Parking is at a premium in downtown Norman. The City bought a whole block and tore down buildings and put in 144 space parking lot. Last month you guys approved an application that was very similar to this and it's just down the street. They went from being able to do 50 parking spaces to being able to do 53 parking spaces, which increased the size of their potential lot by 6%. I'm talking about 3 spaces to 4, from a practical standpoint, in the parking lot, which would be a 33% increase on my outside parking. If we do include the garage, which I think staff could have looked at this in either way – counting that garage as part of a parking lot. The idea of a parking lot and the screening for it is to keep down the noise, to keep down the headlights from pointing into your neighbor's. None of those things affect a garage and you can't even tell when a car is there – the doors are down. People don't have random access. It's only a limited access for the upstairs occupant. So I hope you'll give me the same opportunity that First Fidelity Bank was granted last week.

I'll show you some other aerals and point out a few more pictures. It kind of reminds me of a little blank space there. I know some of you guys; some of you I don't. I'm a commercial real estate broker and I do development consulting and I come to this building several times a week and talk to staff. I usually work through everything, so I really had to decide if I wanted to bring this forward or not, because I'm not used to moving things forward in what feels to me like an adversarial sort of decision. I almost didn't do it, because it's for me and it's not for a client. I don't want a client of mine, at some time in the future, to have a problem. But, at the same time, I think this is a good improvement for downtown Norman. This is my existing building. Like I said, I think I can get the entire tree to stay. I planted that ten years ago. Everything from this bush forward stays. It ends up being about 12.5 feet. This is the only piece of the grass we're talking about. This is in the right-of-way – 24' long. It stays there unless the City decides to put parking in, which wouldn't necessarily bother me. The next slide will show what it will look like when it's done. Again, that planter doesn't go there. I screened it, trying to do everything I can to keep the noise pollution and heat down. It's covered. I have three and a half spots. I've said probably most of this already. If I pave the five feet, then I have a 6 space lot and I have to put in 10' of grass, which means I can't do it. I'm really asking for a 4-space lot with a two-car garage, not a big 6-space parking lot. The language is vague enough that I wouldn't even necessarily have to be here today.

This is the map that I was told sent letters. I have copies of some of them. I don't have copies of all of them. I know that they sent one. I was copied on this one. So that's LMD Leasing, Dr. Chang, 224 LLC, then 14 is this gentleman in the green shirt right there, and 15 is Brad Goodman – he told me yesterday on the phone that he'd sent an email. 18 is – I forget who that is. These two are also Brad Goodman. That is Kevin, my neighbor. This is Mark Floyd – actually, 26 is Mark Floyd. And then Jim Adair is 24. So no protest. Those people in green I at least talked to on the phone, if they didn't send a letter, and they said that they supported my project. The red ones are the lots owned by the City of Norman. I don't know that they can

protest – or be for it or against. So I don't know if they count in the overall ratio. But looking at the land area, all of my neighbors want this thing to go forward and they've called or wrote to tell you. I don't know if my ratio is right. That's how I counted it. I didn't know if you counted by parcels or if you counted by owners. So there's two different calculations.

Mr. McCarty – I want to make sure I understand all this because I've got a lot of things that I'm thinking about. So you need six spaces to meet the City requirements, is that right?

Mr. Worster – Yes. If I had a five-space lot, there's no landscape requirement.

Ms. Messner – The six spaces triggers the 10' landscape strip.

Mr. McCarty – Right. And so are you wanting six spaces, or are you okay with how you are today?

Mr. Worster – Right now I have an employee parking on Santa Fe.

Mr. McCarty – Okay. So you need it.

Mr. Worster – He's taking up a City space.

Mr. McCarty – The way our ordinances are written, the landscape can't be architectural landscape – like a buffer. It has to a 10' piece of grass no matter what?

Ms. Messner – It says grass, yes. Susan has the ordinance if you want me to read it.

Mr. McCarty – I'm just thinking through this in my head, because, my opinion, he's done a really nice job. He's done an architectural screen down that side. There's a pretty big piece of right-of-way there. Have you been maintaining that?

Mr. Worster – Every single time, which is interesting – Main Street gets mowed by the City; Gray does not.

Mr. McCarty – So he couldn't plant landscaping in that right-of-way, right?

Mr. Worster – Not legally. Some people have done it.

Ms. Messner – I don't think we disagree with any of that, Curtis. The code is black and white.

Mr. McCarty – I understand. I'm just thinking.

Ms. Connors – So, of course, the variance can be granted.

Mr. McCarty – And the one we did back in – I can't remember – October – November – for First Fidelity, they – we did one for the sign plus the corner landscape.

Mr. Stenis – They withdrew the sign.

Ms. Connors – They removed that whole landscaped park area.

Mr. McCarty – Right. To redo their whole parking lot. And they don't have that buffer now, either, right?

Mr. Stenis – Well, they have a small.

Mr. McCarty – It's like two feet or something, isn't it?

Mr. Stenis – It's smaller than the ten.

Mr. McCarty – And, Brad, you won't have any at all. You're going to go right up to the City sidewalk?

Mr. Worster – On Gray. I'll have twelve feet on Santa Fe. Blend them together, it's five and a half.

Mr. McCarty – I'm just thinking of a way to get a little bit of softscape. So when you put your posts in to construct your awning, is there any way to leave like a one foot strip of grass that you could put a small hedge row or anything in down below versus just having concrete all the way to the sidewalk?

Mr. Worster – It's pretty tight. 9'1" per parking space.

Another interesting thought, which I was not even going to bring up, but I think I will, and maybe staff can help me on this, because it's going to be a trick question. I have no side yard setback. I can build a building or a fence up to my property line. I can put a carport over that little strip of grass and plant shade grass underneath it. The only thing I couldn't do would be park on it. So I can build the structure, as I understand it, and it would look exactly like what you're looking at. The only difference is I can't pave the grass or park on it. I can put four cars there. I can double park the car there, which is really kind of dangerous, because then you don't have the turning radius, which was actually the reason for allowing First Fidelity Bank to do their lot – was it was a safety issue. So I can build it. In all honesty, I kind of plan to build it unless someone gives me a really motivating reason not to. I just can't park over there. So what you're deciding on today is if I can park four cars side by side, or if I park three cars side by side and double park another one or park that car on the street. Because I can build what I plan to build, unless someone has a different idea on that. I have no side yard setback.

And if you look down the street, here's my property again – 22' of right-of-way. It was mentioned that the landscape strip continued all the way down the block. That's about the same as mine, less than mine, less than mine, that's about a foot and a half, none, none – same block. Next block – about 5' again – and it isn't that they didn't want 10', it's that there's fixed dimensions in parking. They've got a 20' space, a 24' drive, and a 20' space and that left that little piece. That's how all of these parking lots are laid out. They're not laid out in a let's have a setback. They're laid out let's get the most parking we can get and whatever's left is what we'll grass. Every single one of them is that way. This one – 300 block – no setback whatsoever; parking right up to the sidewalk. There's a little bit over here and a little bit there. And the only thing that's there is because they couldn't squeeze another parking space in, otherwise it would have gone away.

Mr. McCarty – So that picture you're just showing us is what I was kind of wondering. Those trees that are in the right-of-way; does the City maintain those? Or who plants those? Do people do

it and, obviously, can't enforce ...

Ms. Connors – The property owner maintains them, I'm pretty sure.

Mr. Worster – Here's the real kicker. Here's the City lot. No setback. As a matter of fact, they've gone further and paved a sidewalk in the City right-of-way on the other side, so that the bumpers of cars, when they go to mow it, aren't overhanging and they don't leave little grass underneath the front bumpers. So they've added an extra two foot strip of concrete. City parking lot. No right-of-way. They made an extra wide piece of concrete. This is the property line. That grass is in the City right-of-way. The dimensions of the parking – these are 140' deep – 19.5' parking space, 24' drive, 19.5' parking space, 14' for grass, decorative walls, and dumpsters equal 140'. Here's the spot that you just granted another variance for. They used to have a little private park here. They can do whatever they want to do on that. But when you granted the variance to remove down to 4' of grass – they actually had 10' of grass there – of that 5' of grass. This was a total of 164', so 10' strip – 1,100 square feet of softscape and it was reduced down to about 4.5-5' around that perimeter, which made about 50%. The softscape I'm asking to remove is 180 square feet.

Mr. Ryan – When did you buy this lot?

Mr. Worster – It was in 2004. It was split in 1983, I believe. This is the block to the east of me. All of this is owned by the City. That was an existing parking lot. There is mention that to the east of me there was a landscape strip. That's a parking space. This is a diagonal, so maybe there is a setback there, but I think it was more so if a backing car came out, it wouldn't be backing up into the sidewalk. And this is a gravel parking lot that the City bought when they purchased this lot. There's not a big 10' strip of grass. The grass is here. There is no right-of-way grass through there. First Fidelity Bank – when you're driving down the street, you see the back of cars, a sidewalk, curb and whatever landscape strip is supposed to be there. My property you still get 24'.

Mr. Ryan – I guess my math is wrong, but I'm seeing it talks about in 1983 and then it says it was purchased 31 years later by my company, which would be ...

Mr. Worster – That would be a typo. I have more thoughts but I think I've probably said enough at this point. But I will go back through and go over the four points that are required to allow you all the legal right to make a variance. The first one being that there's something peculiar to the land. Right now, I was able to lower the parking requirement by making the upstairs residential. Prior, it used to be office, I would have had to have eight parking spaces. I built a two-car garage that wasn't there before. That got me the 1.6 parking spaces I needed for a residential unit and 3-ish – 3.5 – for the 1,200 square feet downstairs. I didn't do that. I didn't split the lot. If there was the full parking lot to the south of me still available, I would make the whole north side of it green. I'm not against grass. I do believe there are conditions that were not my fault. I kind of already went over all the other pieces down the street there, the properties, including the one that was just passed, and the City's parking lot, that don't have any landscaping or don't meet the entire landscape. Items 3 and 4, I can take the staff report from the First Fidelity Bank and read that verbatim and it would apply to mine. "Renovating the parking lot is solely at the discretion of the applicant. The result, however, will be added parking spaces for the customer use, thereby removing vehicles from adjacent on-street parking spaces." That was the staff report for First Fidelity Bank. Mine says "The new construction will be

the result of the applicant." Number four, from the First Fidelity Bank, "The downtown area is generally zoned C-3, which does not require off-street parking to reflect the historic development pattern and prior zoning. Other properties in this area either do not have parking lots or have small parking lots with minimum or no peripheral landscaping. Presence of an off-street parking lot provides benefits to the area not required of the applicant or others in the area." That also applies to me. I've spoken way too much.

Mr. McCarty – We appreciate your presentation. I think you did a good job informing us.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Curtis McCarty moved to grant the variance to allow no 10' landscape strip adjacent to Gray Street as proposed. Hank Ryan seconded the motion.*

Mr. Ryan – It seems like we're going backwards. We're going from 5' to zero when everybody wants to go from 5' to 10'. It looks like the existing isn't what we're trying to get to. I think this has a nice look to it, but I have trouble with it -- meeting the minimum standards.

There being no further discussion, a vote was taken with the following result:

YEAS	Curtis McCarty, Andrew Seamans
NAYS	Hank Ryan
ABSENT	Kristen Dikeman

Ms. Tromble announced that the motion to grant the Variance, to allow no 10' landscape strip adjacent to Gray Street as proposed, failed by a vote of 2-1.

Mr. Seamans reminded the applicant of the ten-day appeal period before the Board's action is final.

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Item No. 9, being:

**MISCELLANEOUS DISCUSSION**


None

Item No. 10, being:

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 5:23 p.m.

PASSED and ADOPTED this 24<sup>th</sup> day of February, 2016.

  
Board of Adjustment